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ABSTRACT

A bibliography of writings affecting labor relations and college faculty, as well as the health professions, is presented. The point of reference was the calendar year 1982, although materials from other recent years are included. The faculty section covers the following topics: academic freedom, accountability, administration, affirmative action, arbitration and mediation, collective bargaining, community colleges, contracts and contract issues, court cases, discipline and dismissal, discrimination, dispute resolution, elections, evaluation, medical and nursing school faculty, faculty attitudes and organizations, financial exigency, fringe benefits, governance, grievance procedures, legal issues, librarians, long-range planning, National Labor Relations Board, non-faculty and part-time faculty, personnel administration, public sector labor relations, quality of worklife, retirement, retrenchment, salaries, strikes, students, tenure, unit determination, women faculty, and the Yeshiva University case. The bibliography for related professions covers the health care institutions, health care professionals, nurses, and physicians. In addition, directories, bibliographies, resources, periodicals, and sources of information are listed. Indices of subject, author, and court cases and administrative orders are included, along with a glossary and list of acronyms and abbreviations. (SW)

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Collective Bargaining in Higher Education and the Professions

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INTRODUCTION

Collective Bargaining in Higher Education and the Professions, Bibliography No. 11 is the latest in our series of compilations of writings affecting labor relations and professional employees. Since the majority of our work at the National Center revolves around faculty bargaining, it is only natural that the Bibliography concentrate on college and university employment relations. However, as part of our increasing scope of coverage, we have also included bibliographic citations germane to collective bargaining in the related professions.

As the literature of labor relations continues to grow, so does the complexity of preparing this volume. In establishing the research design, a cross-disciplinary approach was employed. The point of reference is limited to the calendar year 1982. Significant citations omitted from previous volumes have also been included. As part of our research methodology, we have examined and selected citations from both traditional sources, as well as numerous "fugitive" documents. Although computer searches were utilized, we have found that the state-of-the-art still mandates that researchers for this publication pour through numerous card catalogues in order to ensure a complete and up-to-date listing.

In order to better familiarize both the new reader and the novice practitioner, a Glossary of Terms has been included. This, along with the other reference tools cited in this volume, provides the user with an overall view of the reference guides available to collective bargaining.

The Center has completed eleven years of service to the academic community during which time it has functioned as a clearinghouse and forum for those engaged in collective bargaining in higher education. Operating on the campus of Baruch College of the City University of New York, it addresses its research to scholars and practitioners in the field. To help us to fulfill our goals, we continually strive to produce publications that present research data and findings on topics of significant interest, as well as surveys of the literature in the field. In addition to the Bibliography, the National Center's publications include specialized Reports, Directories, Proceedings, Monographs and Newsletters.

The staff of the National Center remains ready to assist those interested in academic collective bargaining and professional employment relationships. The Elias Lieberman Higher Education Contract Library of the National Center contains virtually every collective bargaining agreement ever negotiated in higher education. In addition, the library collection contains numerous holdings relating to most major aspects of academic collective bargaining and is available for your use. BRAIN (Baruch Retrieval of Automated Information for Negotiations) is available for computerized contract analysis and searches.

This publication is a product of the National Center staff whose genuine interest in this project is greatly appreciated. The primary research and major portions of this publication were completed by Ms. Lisa Flanzraich, the Center's Librarian. Assisting her were two of our researchers, Ms. Lorraine DeBona and Ms. Carol Rosenberg. Ms. DeBona was responsible for the citations on professional employees while Ms. Rosenberg's main responsibility was legal citations. Ms. Isabel Gonsalez and Ms. Ruby N. Hill prepared and proofread this manuscript. Mrs. Evan G. Mitchell supervised the entire production process.

The bibliographic citations reported in this issue are accurate to the best of our knowledge. We apologize for any errors or omissions and welcome comments and additions for future volumes.

Joel M. Douglas
Director

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FACULTY BIBLIOGRAPHY

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COURT CASES - ARKANSAS

118 Russ v. White (541 F. Supp. 888). An administrator such as a community college dean of instruction does not have the same broad academic freedom as a teacher. (U. S. District Court, Arkansas)

COURT CASES - CALIFORNIA

119 EEOC v. California Teachers Association (534 F. Supp. 209). Federal district court has ruled that public employee unions, such as those representing college faculty, cannot be sued for bias unless they are first proven to affect commerce.

120 Gardels v. CIA. Federal Appeals Court upheld the CIA's refusal to comply with a Freedom of Information Act request by a U. of Calif. student, ruling that the agency does not have to confirm or deny that it has covertly contacted individuals at specific campuses.

COURT CASES - CALIFORNIA (cont'd.)

121 Laborde v. Regents of the University of California. Cert. denied on a 9th Circuit Ct. of Appeals ruling that since the University's peer review procedures provided adequate safeguards against sex bias, the professor denied a promotion was not entitled to access to the peer review records.

122 Parmley v. State Bar of California. Cert. denied to law student's request that he be allowed to challenge the use of standardized test scores to determine admission to the state bar.

123 Regents of University of California v. Lynn (656 F.2d 1337). Supreme Court denied cert. of 9th Circuit Court of Appeals decision that a faculty member denied tenure had the right to see her tenure report because University of California had submitted it to the trial court as evidence in rebutting sex discrimination charges.

COURT CASES - COLORADO

124 Coe v. U. S. District Court for District of Colorado (676 F.2d 411). State has the right and power to impose conditions on the right to practice medicine and a license may be revoked for good cause. (10th Circuit Court of Appeals)

125 Institute for Professional Development v. Regis College (536 F. Supp. 632). Faculty members are deemed employees and agents of the institution. (U. S. District Court - Colorado)

126 Loretto Heights College. NLRB panel upheld last year's decision by an administrative law judge ruling that the faculty exercised little influence on school policies, thus were not managerial and were protected by NLRA.

127 Marshall v. Regis Educational Corp. (666 F.2d 1324). 10th U. S. Circuit Court of Appeals ruled that college dormitory counselors who were college students are not school employees entitled to the protection of federal labor law.

128 Townsend v. Kiracoff (545 F. Supp. 465). Doctor's negligence is not generally imputable to the hospital. Where hospital acts negligently, either by negligently employing and retaining incompetent physicians or failing to perform some other necessary cautionary measure, action for negligence may be maintained against. (District Court - Colorado)

COURT CASES - CONNECTICUT

129 University of New Haven. NLRB declared faculty managerial and therefore not entitled to engage in collective bargaining.

COURT CASES - ILLINOIS

130 Dusanek v. Hannon (677 F.2d 538). (Illinois) 7th Circuit Court of Appeals ruled that there is nothing unconstitutional about a state establishing a tenure system in which the state retains the prerogative to discontinue the teaching duties of teachers who are not physically or mentally competent to continue teaching.

131 Griffin v. Board of Regents (676 F.2d 700). 7th U. S. Court of Appeals ordered Illinois University to rehire a woman professor who is suing the school over alleged sex discrimination, upholding a preliminary injunction which said the professor should retain her job pending the outcome of her six bias suit.

132 Jones v. Illinois Department of Rehabilitation Service (689 F.2d 724). Regulations promulgated pursuant to Rehabilitation Act placed primary burden of providing interpreter services to deaf student on Illinois Department of Rehabilitation Services. (Court of Appeals - Illinois)

133 Martin v. Keldorn, Inc. (546 F. Supp. 889). Trustees of employer fringe benefit fund established pursuant to collective bargaining agreement were not required to grant employer a full offset of intentional overpayments against unpaid contributions. (District Court - Illinois)

COURT CASES - IOWA

134 College of Osteopathic Medicine (265 NLRB No. 37). Faculty found managerial, union certification revoked.

COURT CASES - MARYLAND

135 Akyeampong v. Coppin State College (538 F. Supp. 986). A bare allegation by a tenured state college instructor who was an African-born black, that the college had it "in" for Africans was not sufficient to support his claim of violation of equal protection clause in connection with his dismissal. (He had failed to appear at school on the appropriate date). (District Court - Maryland)

COURT CASES - MASSACHUSETTS

136 Boston Teachers Union v. Boston School Committee. Cert. denied - Boston teachers attempted to overturn a court order requiring teachers to be laid off on the basis of race, not seniority. Lower courts said racial layoff procedures were needed to keep the school district from becoming out of compliance with court desegregation decrees.

COURT CASES - MASSACHUSETTS (cont'd.)

137 Bradford College (261 NLRB No. 81). NLRB found faculty to be non-managerial.

138 Smith College v. Whately. Mass. Supreme Court ruled that Smith could continue to admit only women and retain its tax-exempt status.

COURT CASES - MICHIGAN

139 Americans United for Separation of Church and State v. School District of City of Grand Rapids (546 F. Supp. 1071). Standardized testing and scoring, as well as diagnostic and psychological services, may be provided on nonpublic school premises but such expenditures violate effect aspect of constitutional test for violation of establishment clause if such payments are directed to provision of instructional services for nonpublic school students on premises of schools having religious affiliations. (District Court - Michigan)

140 Kendall School of Design (7-UC-226). NLRB ruled that faculty are not managerial as they exercise "astonishingly little power."

141 Peters v. Wayne State University. 6th Circuit Court of Appeals held that the university did not violate federal law by participating in TIAA-CREF's pension plan which pays women faculty less per month than it pays men.

142 Wygant v. Jackson Board of Education (546 F. Supp. 1195). School board properly voluntarily adopted, through collective bargaining, affirmative action plan to protect minority teachers from effects of layoffs where in one school year black students made up 15.2% of total student population but faculty members constituted only 3.9% of total teaching staff and while percentage of minority students remained relatively constant, percentage of minority faculty increased only to 5.5% in next year, and 8.3-8.8% in following year. (District Court - Michigan)

COURT CASES - MINNESOTA

143 Hall v. University of Minnesota (530 F. Supp. 104). Not all applicants to a degree program must be given an opportunity to rebut evidence used in evaluating a college application; however if the university intends to interject evidence concerning allegations of improper conduct of the applicant into the admissions process, it must provide the applicant an opportunity to give his or her side of the story.

COURT CASES - MISSISSIPPI

144 Mississippi University for Women v. Hogan (102 S. Ct. 3331). MUW must admit men to its nursing school, ruled the U. S. Supreme Court. No state can provide "even a single institution of higher learning open only to women students." Male applicant, in being denied admission, was denied equal protection rights of 14th Amendment.

COURT CASES - NEW JERSEY

145 Golda v. Blaustein (686 F.2d 159). Although many student-related groups have ideological overtones, to extent that university determines that an organization is an appropriate participant in total university forum, considerable deference should be accorded that judgment, stemming from long-standing recognition that university as a whole functions as a forum for the exchange of diverse views. (Court of Appeals - New Jersey)

146 Napolitano v. Trustees. Mercer County (NJ) Superior Court judge ruled that Princeton University has the right to withhold the diploma of a student it found guilty of plagiarizing. NJ Appeals Court held that Princeton University acted properly when it suspended the student and withheld her diploma for a year.

147 Robinson v. New Jersey. A federal court has ruled that it is unconstitutional for the Rutgers University faculty union to spend dues it gets from nonmembers on lobbying activities not directly related to its collective bargaining contract. The court ruled that the state law permitting unions to use dues to lobby on a broad range of issues violates the free speech rights of faculty who disagree with the union's positions.

148 The Trustees of Stevens Institute of Technology and Stevens Chapter AAUP (22-CA-10267). Yeshiva controlling - Faculty managerial. Faculty and administration together formulate the curricula, make decisions relating to exam and grading policies, credit and graduation requirements and student appeal guidelines. They also decided to eliminate the pass-fail grading system for certain courses and eliminate the grade of D for graduate courses and to limit the amount of time students had to complete their doctorates. They also establish admissions guidelines. The faculty had a voice in the selection of the college president and were involved in the selection of the provost. members of several departments basically decide who the Department Head will be. The faculty make effective recommendations with respect to the hiring of other teachers.

COURT CASES - NEW YORK

149 Doe v. New York University (666 F.2d 761). 2nd U.S. Circuit Court of Appeals ruled that a medical school student who had left school because of mental illness was properly denied readmission because there was a substantial risk that her past "self-destructive and anti-social conduct" would crop up again.

150 Elevator Mfrs. Assn. of New York, Inc. v. Local 1, International Union of Elevator Constructors (689 F.2d 382). Ordinarily a concerted refusal to perform "voluntary" overtime work amounts to a "strike" within meaning of NLRA. (Court of Appeals - New York)

151 Encyclopaedia Britannica v. Crooks. U.S. District Court (NY) found a BOCES education agency guilty of copyright violations when it videotaped all local daytime public TV programs. This was considered to be a "massive scope of videotape copying" which the judge considered "totally unreasonable."

152 Gibbons v. Board of Education of New York City (540 F. Supp. 1124). In an action brought by teacher who was dismissed because of her participation in an illegal strike, arbitration was the preferred means of resolving the dispute. Court dismissed plaintiff's action. (District Court - New York)

153 Honeoye Falls School District v. Education Association (110 LRRM 2224 NY Ct. of Appeals). Public policy does not prohibit submission to arbitration whether curriculum changes initiated by Board of Education constituted change in policy and failure to follow contracted-for procedure between school district and teachers assn. It is beyond the power of the school board to surrender through collective bargaining responsibility vested in it in the interest of maintaining adequate standards in the classrooms.

154 Ithaca College (261 NLRB No. 83). Entire faculty ruled managerial by NLRB.

155 Kaplan v. Ruggieri (547 F. Supp. 707). Since clear language of collective bargaining agreement removed nontenured university professor's complaint that denial of tenure was arbitrary and unreasonable from grievance arbitration procedure, union could not be said to have breached its duty to professor in failing to investigate that procedure. (District Court - New York)

156 Montefiore Hospital and Medical Center (261 NLRB No. 82). Routine exercise of authority does not automatically confer managerial status; staff doctors are thus protected under NLRA.

157 SPIRT v. TIAA-CREF (416 F. Supp. 1019). 2nd U.S. Circuit Court of Appeals ruled that women participating in the TIAA-CREF pension fund can no longer be paid lower monthly retirement benefits than men. Use of sex-based payment plans violated federal anti-discrimination law.

COURT CASES - NEW YORK (cont'd.)

158 Wallace v. International Organization of Masters, Mates and Pilots (547 F. Supp. 155). Applicant had no absolute right to admission to union and therefore was not entitled to an opportunity to be heard in support of his application for union membership nor wrongfully denied admission to union. Although applicant who was a member of collective bargaining unit was not accepted into union as a member, union owed him a duty of fair representation.

COURT CASES - NORTH CAROLINA

159 Daulton v. Affeldt (678 F.2d 487). Because a teacher at a community college did not have tenure, board of trustees was free to terminate her employment at the end of any contract year, but if the decision not to rehire was based on her exercise of constitutionally protected First Amendment freedoms (voicing concerns on matters affecting education of her students), then the teacher could establish a claim. (4th Circuit Court of Appeals - North Carolina)

COURT CASES - OKLAHOMA

160 Baker v. Registered Dentists of Oklahoma (543 F. Supp. 1177). State Dental Act prohibiting advertisements for dentists on TV and radio, in display ads in newspaper and on billboards and off-site signs was unconstitutional because such advertising is conducive to serving public interest which outweighs interest of the profession in restraining members from advertising in that manner. (District Court - Oklahoma)

161 Board of Regents of University of Oklahoma v. National Collegiate Athletic Association (546 F. Supp. 1276). Right to sell their football games for telecast is a property right belonging to member schools of the NCAA and the Association has no such right. (District Court - Oklahoma)

162 Gay Activists Alliance v. Board of Regents of the University of Oklahoma. Oklahoma Supreme Court held that colleges cannot deny official recognition to gay student associations merely because they don't like what the groups have to say. Such a denial would violate the alliance members' constitutional guarantee of free speech, assembly and association.

COURT CASES - OREGON

163 Hein v. Oregon College of Education. Federal District Court, ruling that the college intentionally paid 6 female faculty members less than male faculty members with similar duties, held that the women were entitled to back pay and damages under the Equal Pay Act.

COURT CASES - PENNSYLVANIA

164 American Future Systems Inc., v. Penn. State University (688 F.2d 907). Individual student's right to privacy is not abrogated because student has chosen to live in university dormitory. (Court of Appeals - Pennsylvania)

165 Duquesne University of the Holy Ghost (261 NLRB No. 85). Entire faculty managerial, not covered by NLRA. Although degree of managerial authority is less than that at Yeshiva, it is sufficient to warrant exclusion from collective bargaining.

166 Grossmuller v. Budd Co. Consol. Retirement Benefit Plan for Employees (547 F. Supp. 111). ERISA and its implementing regulations require that a participant whose claim for benefits is denied must be given a full and fair review of the termination. Such includes being informed of accusations or evidence underlying decision and the opportunity to rebut the same, either in writing or at a hearing. (District Court - Pennsylvania)

167 Murphy v. Villanova University (547 F. Supp. 512). The federal college work-study program did not confer on law student implied cause of action against private university and its employees for alleged wrongful termination of employment with the university following exhaustion of student's eligibility for employment under work-study program. (District Court - Pennsylvania)

168 Ryan v. Mansfield State College (677 F.2d 344). Under Pennsylvania law, power to act on behalf of state college in acceptance of resignation of faculty members was vested in the college president, thus giving college president authority to accept such resignation without approval of college's board of trustees. (3rd Court of Appeals - Pennsylvania)

169 Thiel College (261 NLRB No. 84). Faculty managerial.

COURT CASES - SOUTH CAROLINA

170 Bob Jones University v. U. S. (670 F.2d 167). The U. S. Court of Claims has ruled that faculty and staff must pay taxes on the free meals and housing provided them by the private, fundamentalist school.

COURT CASES - TEXAS

171 Gay Student Services v. Texas A&M University. Federal District Court has ruled that the university may deny recognition to a gay student group that it says holds values antithetical to those of the school, since the group's purpose was "not a goal otherwise protected by the First Amendment."

COURT CASES - TEXAS (cont'd.)

172 Maceluch v. Wysong (680 F.2d 1062). Texas' statutory requirement that physicians hold themselves out under professional degree they receive so that alumnus of osteopathic school may not use designation "M.D." is a rational requirement. Equal protection was not denied U.S.A. trained osteopaths under Texas' licensing scheme which prevented them from using "M.D." designation. (Court of Appeals - Texas)

173 Schulte v. Wilson Industries (547 F. Supp. 324). Plaintiff in sex discrimination in employment suit brought pursuant to Equal Pay Act and Title VII need not show that work she performed and that performed by employer's male employees were identical, only that they were substantially equal. (District Court - Texas)

COURT CASES - UTAH

174 U. S. v. Brigham Young University. 10th U.S. Circuit Court of Appeals ruled that university must give the I.R.S. the names of people suspected of overestimating the value of their charitable gifts to the school.

COURT CASES - VIRGINIA

175 University of Virginia v. Bell (543 F. Supp. 321). Dept. of Ed. had no authority under regulation promulgated pursuant to Title IX to investigate and regulate athletic programs of a private university even though the university had received a library resource grant where the athletic program itself received no direct federal financial assistance. (District Court - Virginia)

COURT CASES - WASHINGTON

176 Washington Education Association v. State. Washington Supreme Court allowed to stand a state law that lets community colleges overlook seniority when making reductions in force in financial emergencies. At the same time, the court said tenured employees can challenge their firings.

COURT CASES - SUPREME COURT

177 Board of Education Island Trees Union Free School District No. 26 v. Pico (102 S. Ct. 2799). U.S. Supreme Court ruled that students and parents can fight school board censorship of library books as an unconstitutional suppression of ideas.

178 Board of Education of Hendrick Hudson Central School District v. Rowley (102 S. Ct. 3034). Supreme Court ruled that the nation's school districts need not provide sign language interpreters for deaf students.

179 Burton v. City of Jackson (656 F.2d 700). U.S. Supreme Court denied cert. on this case, brought by the relatives of the 2 students killed during an anti-war protest on campus in 1970, against the City of Jackson, Miss.

180 Champion Products, Inc. v. University of Pittsburgh. U.S. Supreme Court affirmed a decision of the 3rd U.S. Court of Appeals that the University of Pittsburgh can press its claim that a clothing manufacturer violated trademark laws by using the school's logo by allowing for a trial.

181 Dusanek v. O'Donnel. U.S. Supreme Court denied cert. in a case involving the 14th Amendment due process claim of a Chicago teacher who claimed he was improperly forced to take a leave of absence for health reasons. The 7th U.S. Circuit Court of Appeals found no violation because the teacher could have defended himself at a hearing.

182 Finnegan v. Leu (102 S. Ct. 1867). Removal of a union member from appointive union employment is not within the scope of those union sanctions explicitly prohibited by LMRDA prohibiting discipline of a union member for exercise of his rights under the Act. Successful candidate for presidency of local union could discharge business agents who'd been appointed by his predecessor.

183 North Haven Board of Education v. Bell (101 S. Ct. 1345). Supreme Court ruled that Title IX bars sex bias against employees in federally aided education programs. The Court said that Congress intended Title IX's ban against sex discrimination to extend to employees as well as students.

184 Pasty v. Board of Regents (102 S. Ct. 2557). U.S. Supreme Court ruled that individuals can bypass state's grievance procedures and file civil rights suits directly in federal court.

185 Pauk v. Board of Trustees (102 S. Ct. 1631). U.S. Supreme Court denied cert. in a procedural challenge from a college professor who claimed his firing abridged his First Amendment free speech rights after he had successfully negotiated 50 faculty grievances.

186 Princeton v. Schmid (101 S. Ct. 2312). U.S. Supreme Court dismissed Princeton's appeal of a N.J. Supreme Court ruling which, under the doctrines of free speech and assembly, banned the school from barring uninvited nonstudents from political proselytizing on campus.

187 Southern State College v. Arkansas Gazette Co. (620 SW 2d 258). U.S. Supreme Court denied cert. of an Arkansas Supreme Court decision which said that athletic scholarship records, kept by the State Intercollegiate Athletic Conference, were not covered by the Buckley Amendment (1974 Family Education and Privacy Act).

COURT CASES - SUPREME COURT (cont'd.)

188 Toll v. Moreno (102 S. Ct. 2977). Supreme Court held that University of Maryland's tuition policy, which charged a higher tuition to nonimmigrant alien students than to Maryland residents, is inconsistent with federal laws and treaties that give special tax breaks to some nonimmigrant aliens.

189 Valley Force Christian College v. Americans United for Separation of Church and State (102 S. Ct. 752). U.S. Supreme Court denied standing to sue to a citizens group claiming that the federal government had violated the First Amendment by granting federal land to the school which is affiliated with the Assembly of God.

190 Washington v. Crisman (102 S. Ct. 812). U.S. Supreme Court ruled that campus police officer did not violate the 4th Amendment ban against unreasonable search and seizure when they confiscated marijuana and LSD from 2 students in their dorm room.

191 Widmar v. Vincent (102 S. Ct. 269). Where state university made its facilities generally available for activities of registered student groups, its closing of the facilities to a registered student group desiring to use the facilities for religious worship and discussion violated fundamental principle that a state regulation of speech should be content neutral and of itself, state's interest in achieving greater separation of church and state than already ensured under establishment clause was not sufficiently "compelling" to justify discrimination against such group.

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Academe (American Assn. of University Professors)
American School and University
American Teacher (American Federation of Teachers)
Arbitration in the Schools (American Arbitration Association)
Arbitration Journal (American Arbitration Association)
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Canadian Association of University Teachers Bulletin
Canadian Education Index
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Chronicle of Higher Education
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College Law Bulletin
College Law Digest (National Assn. of College & University Attorneys)
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Community College Review
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Educational Record (American Council on Education)
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ERIC/Higher Education Research Reports
Government Employee Relations Report (Bureau of National Affairs)
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Industrial Relations
Industrial Relations Law Journal
International Nursing Index
Journal of Collective Negotiations in the Public Sector
Journal of College and University Law (Nat'l Assn. of College & Univ. Attorneys)
Journal of College Student Personnel
Journal of Higher Education
Journal of Law and Education

Journal of the College and University Personnel Association
Labor Arbitration in Government (American Arbitration Association)
Labor Law Journal
Labor Relations in Education
Labor Relations Reporter (Bureau of National Affairs) - Decisions of the Courts, Decisions of the NLRB, Fair Employment Practice Cases, Labor Arbitration Reports
Liberal Education
Library Literature
Management Literature in Brief
Monthly Labor Review
NACUBO Business Officer (Nat'l Assn. of College & Univ. Business Officers)
NEA Advocate (National Education Association)
NEA Reporter
National Association of Student Personnel Administration (NASPA) Journal
On Campus with Women (Project on the Status and Education of Women)
PERB News (NY)
PERS Information Bulletin
Personnel
Personnel Administrator
Personnel Literature
Personnel Management Abstracts
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Public Affairs Information Service (PAIS)
Public Personnel Management
Research in Higher Education
Resources in Education (ERIC)
Social Science Index
Sociology of Education
Teachers College Board
Work Related Abstracts

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American Arbitration Association
140 West 51 Street
New York, New York 10020

American Association for Higher
Education
One Dupont Circle, N.W., Suite 780
Washington, D. C. 20036

American Association of Community
and Junior Colleges
One Dupont Circle, N.W., Suite 410
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American Association of State
Colleges and Universities
One Dupont Circle, N.W., Suite 700
Washington, D. C. 20036

American Association of University
Professors
One Dupont Circle, N.W., Suite 500
Washington, D. C. 20036

American Council on Education
One Dupont Circle, N.W.
Washington, D. C. 20036

American Federation of Teachers
11 Dupont Circle, N.W., 5th Fl.
Washington, D. C. 20036

American Management Association
135 West 50 Street
New York, New York 10020

Association of American Universities
One Dupont Circle, N.W., Suite 730
Washington, D. C. 20036

Association of College and Research
Libraries
American Library Association
50 East Huron Street, 3rd Fl.
Chicago, Illinois 60611

Association of Governing Boards of
Universities and Colleges
One Dupont Circle, N.W., Suite 720
Washington, D. C. 20036

Association of Labor Relations
Agencies
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Bureau of National Affairs, Inc.
1231 - 25th Street, N.W.
Washington, D. C. 20037

Carnegie Commission on Higher
Education
2150 Shattuck Avenue
Berkeley, California 94704

Center for the Study of Higher
Education
Pennsylvania State University
University Park, Pennsylvania 16802

The Chronicle of Higher Education
1333 New Hampshire Avenue, N.W.
Suite 500
Washington, D. C. 20036

College and University Personnel
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Commerce Clearinghouse
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Education Commission of the States
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Denver, Colorado 80203

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ERIC Clearinghouse for Junior
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Los Angeles, California 90024

Faculty Unionism Project
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Federal Mediation and Conciliation Service
U.S. Department of Labor Building
Third Street & Constitution Avenue
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National Association of College and University Business Officers
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National Association of State Universities and Land Grant Colleges
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National Center for Education Statistics
U.S. Department of Health, Education, and Welfare
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Washington, D. C. 20202

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Washington, D. C. 20036

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Division of Information, Rm. 710
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National Organization on Legal Problems of Education
825 Western Avenue
Topeka, Kansas 66606

Project on the Status and Education of Women
1818 R Street, N. W.
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Public Employment Relations Boards see State Department

Society of Professionals in Dispute Resolution
1730 Rhode Island Avenue, N. W.
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Teachers Insurance & Annuity Association
730 Third Avenue
New York, New York 10017

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441 G Street, N.W., Suite 2121
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200 Constitution Avenue, N.W.
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PART V

ACRONYMS AND ABBREVIATIONS

ACRONYMS AND ABBREVIATIONS

AAA - American Arbitration Association
AAHE - American Association for Higher Education
AAJC - American Association of Junior Colleges
AARN - Alberta Association of Registered Nurses
AAUP - American Association of University Professors
ABA - American Bar Association
ACE - American Council on Education
ACRL - Association of College & Research Libraries
AFGE - American Federation of Government Employees
AFL-CIO - American Federation of Labor - Congress of Industrial Organizations
AFSCME - American Federation of State, County and Municipal Employees
AFT - American Federation of Teachers
AHA - American Hospital Association
ALMA - Association of Labor Mediation Agencies
AMA - American Management Association
ANA - American Nurses Association
AORN - Association of Operating Room Nurses
AUCC - Association of Universities and Colleges of Canada
BCTF - British Columbia Teachers Federation
BLS - Bureau of Labor Statistics
BNA - Bureau of National Affairs
BRAIN - Baruch Retrieval of Automated Information for Negotiations
CAUT - Canadian Association of University Teachers
CCHE - Carnegie Commission on Higher Education
CPI - Consumer Price Index
CSC - Civil Service Commission
ECS - Education Commission of the States
EEOC - Equal Employment Opportunity Commission
ERB - Employment Relations Board (Preceded by state's initials)
ERIC - Educational Resources Information Center
FEP - Fair Employment Practice
FLRC - Federal Labor Relations Council
FMCS - Federal Mediation and Conciliation Service
GERR - Government Employee Relations Report
LA - Labor Arbitration and Dispute Settlements (BNA)
LAIRS - Labor Agreement Information Retrieval System (Civil Service Commission)
LMRA - Labor Management Relations Act
LMRS - Labor Management Relations Service
LRR - Labor Relations Reporter (BNA)
NAA - National Academy of Arbitrators
NACUA - National Association of College and University Attorneys
NACUBO - National Association of College and University Business Officers
NCSCBHEP - National Center for the Study of Collective Bargaining in Higher Education and the Professions
NEA - National Education Association
NLRA - National Labor Relations Act
NLRB - National Labor Relations Board
OER - Office of Employee Relations
OFCC - Office of Federal Contract Compliance
OPEIU - Office and Professional Employees International Union
OSHA - Occupational Safety and Health Administration
PERB - Public Employment Relations Board
PERC - Public Employment Relations Commission

SFLRP - Society of Federal Labor Relations Professionals
SPIDR - Society of Professionals in Dispute Resolution
UFCT - United Federation of College Teachers
UFT - United Federation of Teachers

PART VI

GLOSSARY OF TERMS

GLOSSARY OF TERMS

Academic advisors - Teaching faculty members with counselling responsibilities.

Academic freedom - The concept that faculty should be free from institutional censorship or discipline and is entitled to intellectual freedom in research and publications. Implicit in the term are special obligations concerning the introduction of controversial matter which has no relation to the subject taught. Limitations of academic freedom because of religious or other aims of the institution should be stated in writing at the time of appointment.

Academic year - Generally refers to fall and spring semesters, or the period between September 1 through June 30.

Accountability - Demands placed on institutions of higher education and the individuals that provide educational services to be "accountable" to one or more groups in some aspect of their behavior such as validity of objectives, effectiveness of expenditures, day-to-day performance of their functions, or educational results of activities.

Across-the-board increase - Base salary of each member of the *bargaining unit* is increased by the same percentage or a fixed dollar amount.

Adjunct faculty - Faculty members hired on a part-time basis for a fixed period of time. Do not usually accrue time, leave or benefits.

Administration - Includes the president and principal officers of the institution, but excludes all individuals and positions specifically designated as part of the faculty *bargaining unit*.

Administrative law judge - Official who conducts hearings and makes recommendations to the *National Labor Relations Board* or other government agency.

Adversary model - Used to describe *governance* structures and define areas of authority for faculty and administration. See also *collegiality*.

Affirmative action - Compliance with federal guidelines for the purpose of advancing occupational and/or educational interests of specified minorities and women. Elements of affirmative action include employment practices, testing and validation, and promotion procedures. The purpose is to correct not only overtly discriminatory practices but also those that are fair in form but discriminatory in effect.

Agency shop - Provisions of a collective bargaining agreement that require all employees of the *bargaining unit* to pay fees to the union equivalent to membership dues. They are not required to become members as under a *union shop*. In the public sector, enabling legislation is required, as in New York State.

Agent - A union or association that has been named as the exclusive representative of faculty members for the purposes of bargaining over economic and other terms and conditions of employment.

Agreement, collective bargaining - A written agreement *(contract)* resulting from negotiation between employer or group of employers and employee organizations or group of organizations. Usually contains terms and conditions of employment (wages, fringe benefits, hours of work) and procedures to be used in settling disputes during terms of the contract.

Agreement enforcement - The method by which either faculty members and administration seek to resolve disputes over the administration of the collective bargaining agreement. Methods of enforcing agreement when disputes arise include the *grievance* machinery, appeals to court, administrative agencies, or by *strikes*. Also known as contract administration.

Amendment of certification, see *Clarification of unit*.

American Arbitration Association (AAA) - A private, non-profit organization established to promote *arbitration* as a method of settling labor disputes. Provides lists of qualified *arbitrators* on request as well as rules of procedure for conduct of arbitration.

American Association of University Professors (AAUP) - A national organization of faculty members originally founded for the protection of *academic freedom* and *tenure*. In 1971 it voted to pursue collective bargaining as a "major additional way" of achieving its goals.

American Federation of State, County and Municipal Employees (AFSCME) - The largest union representing "non-academic" campus workers; an AFL-CIO affiliate.

American Federation of Teachers (AFT) - An affiliate of the AFL-CIO which represents college professors, school teachers, paraprofessionals and non-instructional staff in the educational system.

Anti-Injunction Law (Norris-LaGuardia Act) - A federal law passed in 1932 which restricted the rights of U.S. Courts to issue *injunctions* aimed at restraining activities of labor unions. The Taft-Hartley Act of 1947 restored some injunctive power to the courts.

Antitrust laws - Federal and state statutes to protect trade and commerce from unlawful restraints and monopolies. Used for many years to restrict union activities such as *strikes* and boycotts. Recently their use in labor cases has been limited by statute and judicial interpretation.

Arbitrability - The extent to which management is obligated by contract to take a particular grievance or dispute to *arbitration*. The issue is usually determined by an arbitrator or by a court.

Arbitration - The process of referring disputes between employers and employees (or between two rival unions) to the decision of impartial adjudicators. It is used to resolve impasses in negotiations or as the final step in a grievance procedure. While an arbitrator's decision is legally binding, arbitration differs from judicial process in that the disputants have voluntarily agreed to refer the matter to arbitration and have themselves selected the arbitrator, and hearings are usually much less formal than court proceedings.

Arbitration, Ad Hoc - Temporary, single-case arbitration. This is distinguished from "permanent" *arbitration* systems in which "permanent" *arbitrators* are named to serve for the life of the agreement or a stipulated term, hearing all disputes that arise during this term.

Arbitration, Compulsory - Mandated by statute. If *mediation* and *fact-finding* fail, the submission of dispute to *arbitrator* or board of arbitration is involuntary, does not require approval by parties and the findings and recommendations are binding on both parties.

Arbitration, Expedited - Also known as accelerated arbitration, it is a process in which, in appropriate cases, grievance steps may be by-passed in order to arrive at a quick decision at a reduced cost.

Arbitration, Grievance - Arbitration of disputes that arise over the interpretation of an existing collective bargaining agreement; sometimes referred to as rights arbitration. The grievance arbitrator interprets and applies the contract by assessing the meaning of the contract and the intent of the parties.

Arbitration, Interest - Arbitration of disputes that arise during course of contract negotiations. The arbitrator makes the decision on what is to be contained in the contract. This is usually used after *mediation* and/or *fact-finding* have failed to resolve the *impasse*.

Arbitrator - An impartial third party to whom disputing parties submit their differences for a decision *(award)*.

Authorization card - Statement signed by a faculty member designating faculty organization to act as his representative in collective bargaining. This signature does not necessarily mean that he is a member of the organization.

Automatic wage adjustment - A plan whereby wage rates are raised or lowered according to an established formula in response to other specified changes such as cost-of-living, business profits or prices.

Award - In labor-management *arbitration*, a final binding decision of the *arbitrator*.

Back pay - Compensatory wages due to an employee because of employer violation of *minimum wage* laws, or *layoff* or discharge in violation of labor legislation or collective agreement. To be distinguished from retroactive pay.

Back-to-work movement - An agreement by striking faculty members to return to their jobs before union has declared an end to the *strike*.

Bargainability, see *Scope of bargaining*.

Bargaining agent, see *Agent*.

Bargaining representative - Any organization, agency or person authorized by an employer, employee, group of employees, or employee association to act on their behalf and represent them.

Bargaining rights - Generally refers to workers' *right to bargain* collectively with employers as established by law and judicial interpretations.

Bargaining unit - A group of employees who voluntarily unite or by decision of a government agency such as the *National Labor Relations Board* are deemed to be an "appropriate" unit for bargaining collectively with their employer. See also *Community of interest*.

Bench award - A written or oral award issued at time of arbitration hearing; generally associated with expedited arbitration process or discharge and discipline grievance.

Bilateral action - Joint action of the parties as distinguished from unilateral action where the employer makes decisions without discussion or agreement with the *bargaining unit*.

Binding arbitration, see *Arbitration*.

Bi-partite board - A joint board consisting of equal number from labor and management, set up as a step in the *grievance* machinery just prior to *arbitration*. A majority vote is needed to dispose of a grievance, however, if the board is deadlocked a neutral member may break tie vote.

Blue-sky bargaining - Unrealistic and unreasonable demands in negotiations made either by labor or management or both, usually at the beginning of negotiations.

Board of inquiry - Board set up by public agency to investigate and make recommendations concerning a labor dispute. See also *Fact-finding*.

Boards of mediation - Various state mediation agencies that perform services to assist in the resolution of *impasses*.

Breach of contract - Alleged violations of the collective bargaining agreement which may be subject to an established grievance machinery or remedied by suing through the courts.

Bumping - During *layoffs*, the displacing of junior employees by workers of longer service; sometimes referred to as "back-tracking".

Bureau of National Affairs (BNA) - An information service that covers federal and state developments in labor relations with special materials in the fields of collective bargaining, arbitration, wage and hour regulations, affirmative action.

Business agent - A union official, usually paid, who handles grievances, helps enforce agreements, and performs other administrative tasks for the union.

Calendar year employee - Employee having a 12-month professional obligation.

Card-carrying members - Union members in good standing who have evidence of their membership.

Card check - The checking of union *authorization cards*, signed by employees, against employer's payroll to determine whether a union represents a majority of the employees.

Cease and desist order - Command issued by a labor relations board requiring employer or union to abstain from *unfair labor practice*, or abide by guidelines in the enabling legislation.

Certification - Formal designation by a government agency that a particular union is the exclusive representative of faculty members for purposes of bargaining collectively with administration.

Chairperson - see *Department chairperson.*

Challenged ballot - A vote questioned by one of the parties to a representation election. Challenged ballots are counted only if their number is sufficient to affect the outcome of the election.

Clarification of unit - A procedure whereby an administrative agency or the employer and union redefine a *bargaining unit.*

Classification plan - A method of describing and evaluating a job so that a fair rate of pay assigned to it has some relationship to the status of the job and the proficiency required to perform it.

Closed shop - Requires that employees join union as a condition of employment and remain a member after being hired. Declared illegal by the 1947 *Labor-Management Relations Act.*

Closed union - A union which purposely makes membership in that union difficult by setting high initiation fees, limiting admission to persons completing specified apprenticeship training, setting social and ethnic barriers or using other methods to protect the employment opportunities of present union members.

Collective bargaining (collective negotiations) - A method of bilateral decision-making in which representatives of the faculty and administration determine the conditions of employment of all members of the *bargaining unit* through direct *negotiation.* The bargaining normally results in a written *contract* which is mutually binding and sets forth wages, *grievance procedures,* and other terms and conditions of employment to be observed for a stipulated period. Collective bargaining is to be distinguished from individual bargaining which applies to negotiations between an individual employee and the employer.

Collective bargaining agreement (CBA) - see *Contract.*

Collegiality - The concept of shared authority in decision-making characterized by joint faculty-administration committees or deliberative bodies. Management and employees exercise joint responsibility. The term is traditionally applied to campus *governance.* See also *Adversary model.*

Committees, Standing - Permanent faculty committees in *governance* structure charged by governing body with a definitive set of responsibilities e.g., curriculum committee, personnel policies committee.

Community colleges - Public or private 2-year colleges that offer academic, general, occupational, technical, remedial and continuing adult education programs.

Community of interest - A factor to be considered in determining whether employees should be grouped together in an appropriate bargaining unit. Community of interest guidelines include similar working conditions, similar job responsibilities, desires of the employees, common centralized supervision or work site, common skills or educational requirements.

Company union - Organizations of employees of a single employer usually with implication of employer domination. *National Labor Relations Act* and nearly all public sector collective bargaining statutes declare such employer domination as an *unfair labor practice*.

Comparability - Criteria often used in contract negotiations to achieve "economic marketplace" benefits for employees performing similar tasks. Is often a statutory criteria for fact-finding and interest arbitration.

Conciliation - Attempts by neutral party to reconcile opposing viewpoints in a labor dispute in order to help the negotiating parties come to a voluntary settlement. In current usage the terms conciliation and *mediation* are used interchangeably, although traditionally a "conciliator" plays a less active role than a "mediator" in a labor dispute.

Conscientious objector - One who elects not to pay agency fees for religious or moral reasons; alternative payments are usually set.

Consent election - A method of holding elections and determining the wishes of employees in an appropriate *bargaining unit* without a formal hearing.

Contact hours - Class or laboratory period in which faculty member is assigned classroom or laboratory responsibilities.

Continuous negotiating committees (interim committees) - Established by employer and employee organization in a collective bargaining relationship to keep an agreement under constant review to discuss possible changes in advance of its *expiration date*.

Contract - Formal agreement over wages, hours and terms and conditions of employment between administration or group of employers and one or more unions representing employees.

Contract-bar clause - Rules applied by the *NLRB* to determine when an existing contract between an employer and a union will bar a representation election sought by rival group.

Contract hours - Class or laboratory periods which carry academic credit and to which faculty member is assigned.

Contributory welfare plan - A retirement, pension or other benefit plan whose cost is shared, not necessarily equally, by both the employer and the employees.

Cost-of-living (COLA) increase - A method of determining salary increases by tying them directly to increases in the cost-of-living as determined by the Consumer Price Index (CPI) compiled monthly by the U. S. Bureau of Labor Statistics. See also *Escalator Clause*.

Decertification - Withdrawal of exclusive recognition from a *bargaining agent* following vote by faculty that they no longer want the union as their representative.

Deferred wage increase - Negotiated changes which do not become effective until some specified date in the future.

De minimis rule - Arbitration concept that alleged grievance is so inconsequential that arbitrator denies grievance for lack of damages.

Department - Refers to academic,administrative, and other budgetary units of the university. An academic department is defined as one which provides instruction for academic credit.

Department chairperson - Faculty members responsible for certain administrative and supervisory tasks. The position has been included in some faculty bargaining units and excluded in others, and their role is a critical area in academic unionization. The *National Labor Relations Board* has developed guidelines for deciding whether they are first-level administrators or faculty members who should be in the bargaining unit.

Department seniority - see *Seniority*.

Disaffiliation - The procedure whereby a local union separates from the national or international union of which it is a member; or a national or international union withdraws from a federation to which it belongs.

Discharge - Involuntary dismissal of an employee for cause. A discharged employee, unlike one laid off, loses his seniority rights to re-employment.

Discrimination - Refusal to hire, promote, or admit to union membership because of race, creed, color, sex, age or national origin; also a means of encouraging or discouraging membership in a labor organization.

Dismissal - see *Non-reappointment*.

Dismissal wage - A payment by the employer to an employee who is permanently and involuntarily laid off.

Dispute settlement - Techniques used to resolve labor-management disputes in order to avoid *strikes* or other forms of economic warfare. There are many methods used for settlement of these differences, such as *mediation, conciliation, fact-finding,* emergency boards, *arbitration,* or litigation.

Due process - Substantive due process seeks to guarantee that convincing reasons exist for whatever decision is reached in matters of personnel actions; procedural due process refers to method for carrying out this decision process.

Dues check-off - Deduction of union dues by the employer from employee's wages. Employees individually authorize such deduction.

EEOC - The Equal Employment Opportunity Commission, established by Title VII of the Civil Rights Act of 1964, prohibits employers or labor unions with 25 or more employees from discriminating against an individual because of race, color, religion, sex or national origin.

Earnings - As opposed to salary, total remuneration for services rendered or time worked including overtime, bonuses and commissions, and other premium pay. See also *Escalator Clause*.

Election of forum - Limits placed on number of vehicles allowed for grievant to pursue claim. Usually forces that a choice be made between grievance procedure, administrative agencies, or courts.

Eligibility list - A list usually used by civil service agencies to determine, after written or oral examination, those persons who are eligible to be hired for certain jobs. Another form of eligibility list is used in representation elections conducted under federal and state labor relations laws which names those employees eligible to vote.

Emeritus faculty - Award granted to retired faculty for recognition of distinguished service. May be used for continued employment after retirement.

Employee election - Balloting by employees for the purpose of choosing a *bargaining agent* or unseating one previously recognized.

Employee Retirement Income Security Act, 1974 (ERISA) - Prescribes federal reporting and disclosure requirements for pensions and employee benefit plans. Provides protection for certain private pension plans.

Employment contract - see *Contract*.

Enabling legislation - With regard to collective bargaining, laws which allow public employees to organize into associations and bargain as a single entity.

End run bargaining (Double deck bargaining) - Negotiating process which takes place away from bargaining table and generally does not include the negotiating team. Creates difficulties for parties at table as it generally introduces new elements into the process.

Equal pay for equal work - A wage plan or legal provision for the same compensation to all employees within an establishment or other bargaining unit, who are performing the same kind and amount of work, regardless of race, sex, or other characteristics of the individual workers.

Equalization - A method under which the parties agree to distribute monies from an "equalization" fund to raise the base salaries of those faculty members who fall below an established norm. A portion of the economic package is appropriated for this purpose.

Equivalencies - Criteria usually set by statute establishing relationships between earned degrees; i.e., Bachelor of Legal Letters equal to Doctorate. Used for promotion and pay purposes.

Escalator clause - A clause in the contract requiring that wage/salary scale be adjusted periodically to changes in the *cost-of-living*.

Escape period - A period, normally 15 days, enabling employees to resign from a union so as not to be bound to continue membership under membership-maintenance agreements.

Evaluation procedures - Designed for both the improvement of performance and as a basis for making personnel decisions. Procedural and substantive aspects may be negotiated as part of the collective bargaining agreement or may be included as part of personnel policies. Process generally implies a commitment to ongoing corrective procedures.

Exclusive representation - When a majority of employees in a bargaining unit have selected a bargaining agent, it becomes the exclusive representative of all members of the bargaining unit on matters within the *scope of negotiation*.

Executive Orders - Criteria setting forth guidelines for federal sector labor relations.
Executive Order 10988: Allowed federal employees to join unions, provided for exclusive recognition of bargaining agents and right of union to be consulted on terms and conditions of employment, and set forth scope of bargaining in federal sector.
Executive Order 11491: Created a Federal Labor Relations Council, mandated union reporting and disclosure requirements, established federal impasse machinery.

Exempt employees - Employees who are not subject to the provisions of the Fair Labor Standards Act.

Expiration date - Formal termination date established in a collective bargaining agreement, or the earliest date at which the contract may be terminated.

Fact-finding - A means of resolving *impasses* in bargaining in which an independent third party, usually appointed by a labor relations agency or by the parties themselves, holds a hearing and makes non-binding recommendations for resolving disputes.

Faculty - Those employed by a college or university in a professional capacity; may also refer to administrative and non-teaching professional personnel.

Faculty rights and responsibilities, see *Academic Freedom*.

Fair employment practice - Conducting employment in compliance with prohibition against discrimination because of race, color, religion, sex, or national origin.

Fair Labor Standards Act (FLSA) - Federal Wage and Hour Act, sets forth regulations on overtime, minimum wage rates and all other aspects of wages and hours in those industries and categories covered by the Act.

Fair representation - Collective bargaining agent must be willing to give each unit member "fair representation" with employer, even if employee is not a member of the union.

Fair share - A fee paid to the union by members of a *bargaining unit* who have not joined the bargaining agent. The fee covers the services of the union in securing bargained for benefits.

Featherbedding - Practices, usually by unions, such as demanding payment for work not performed, refusing to allow adoption of labor-saving equipment, and creating non-essential jobs.

Federal Mediation and Conciliation Service (FMCS) - Federal agency charged with impasse resolution in the private sector. Assigns staff mediators in impasse situations and maintains a roster of arbitrators.

Final offer arbitration - Forces arbitrator to choose between employer's and union's positions on each issue or as a package, in dispute under interest arbitration. Also called LOBO or last offer, best offer.

Financial exigency - A fiscal situation in which the employer feels it is necessary to curtail programs and/or lay off employees. This includes circumstances in which a university declares that its financial difficulties warrant abrogation of job-security provisions, including *tenure*. See also *retrenchment*.

Free rider - A union term for a worker who does not belong to a union but nevertheless receives the benefits derived from a union-negotiated contract or other union activity.

Fringe benefits - Benefits such as insurance, medical benefits and pensions that are given to an employee under his employment or union contract in addition to direct wages,

Full time equivalent (FTE) - Formula determining number of part-time students and courses taken that equal one full time student. Used for state-aid ratios and in class size and load provisions.

Functus officio - An arbitrator's authority and jurisdiction are terminated by the completion and delivery of an award and he cannot then issue any clarification or interpretation except at the request of both parties.

Goldfish bowl bargaining - A controversial procedure in which collective negotiation sessions are open to the press and the public. Also called 'Sunshine bargaining".

Good-faith bargaining - Employees and management agree to bargain according to governing rules and regulations and work toward reaching a settlement through negotiation.

Governance - The act of collegial decision-making, peer group evaluation or administrative deliberations made in the context of running a university. See *collegiality*.

Grievance - An alleged violation, misinterpretation or misapplication of the collective bargaining agreement.

Grievance arbitration, see *Arbitration, Grievance*.

Grievance committee - Committee designated by a union to meet periodically with administration to discuss grievances that have accumulated.

Grievance machinery - Methods, usually described in the collective bargaining agreement, to resolve problems which arise in the application and interpretation of the contract.

Grievance procedure - A method of dealing with alleged contractual violations made by an individual or by union or management. The procedure generally provides for discussions of the grievance at progressively higher levels of management authority, with arbitration typically being the last step.

Guaranteed wage rate - The base rate or other established minimum which is guaranteed under most incentive wage systems regardless of actual output.

Illegal strike - A work stoppage forbidden by law because specified legal procedures have not been followed prior to the stoppage or because of an injunction forbidding the stoppage. Can also refer to a stoppage which has not been authorized by proper union officials or voted on in accordance with union rules by union members.

Immunity clause - A contract clause designed to protect a union from suits for contract violation growing out of unauthorized strikes.

Impartial chairman - An outside person employed jointly by union and employer to assist in negotiating and administering the collective agreements. After contract is negotiated, it is his function to see that both parties observe terms of the contract and to make final decisions as to interpretation or application.

Impasse - That point in negotiations at which either party determines that no further progress in reaching an agreement can be made.

Improper practice - Conduct prohibited by statute or administrative regulation. The term is also used in public employment relations for unfair labor practice.

Income protection plan - Insurance provision, usually long term, providing for coverage in the event of a disability that results in a loss of income.

Increment - One of a series of wage levels in a range between the maximum and minimum salary specified for a particular job classification. See also *Across-the-board increase, Merit increase, Step increase* grid.

Individual employee grievances - The right of an individual employee, under the terms and conditions of the collective bargaining agreement, to process his grievance outside the normal grievance machinery. The settlement which the individual employee receives may not violate the terms of the bargaining agreement and the union usually must be notified and given the opportunity to have its representative present at the time the final settlement is reached.

Initiation fee - Fee required by unions for membership.

Injunction - A mandatory court order to perform or cease a specified activity usually on the ground that the complainant will suffer irreparable injury from unlawful actions of the other party.

Instant tenure, see *Tenure, Instant*.

Interim agreement - A memorandum of agreement designed to avoid a strike or other job action and/or to maintain conditions of employment until the final contract is signed.

Job action - Concerted action taken by bargaining unit (or significant portions of unit) as a means of generating pressure on administration. Usually at a point of *impasse* in contract talks. Job action can range from boycotting non-instructional or extracurricular duties to a full-scale strike. Right to bargain job action varies for public and private institutions, and from state to state.

Joint council - A body consisting of representatives of union and employer associations which exists to settle disputes arising out of a contract. Also called labor management committees.

Judicial review - Proceedings before courts for enforcement or setting aside of orders of labor relations boards.

Jurisdictional dispute - Disagreement among unions as to who should represent a group of workers, or disagreement about the right of employees to perform certain types of work. If conflict develops into a work stoppage, it is called a jurisdictional strike, which is usually illegal.

Just cause - Requirement that college administrations have sufficient reasons before imposing discipline on a faculty member. Implies due process requirements and places burden of proof on employer.

Labor-Management Relations Act (Taft-Hartley Act) - A federal statute passed in 1947 amending the *Wagner Act* of 1935. Important provisions include: (1) *closed shop* is outlawed (2) government authorized to seek injunction preventing work stoppage for 80 days in strike that imperils nation's health and welfare (3) unions prohibited from using union funds in connection with national elections (4) unions must file financial statements with Dept. of Labor (5) states are authorized to pass *right-to-work* laws.

Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act) - A federal statute, passed in 1959, designed to rid unions of corruption and ensure internal union democracy. Contains a "bill of rights" for union members, regulations concerning trusteeships, conditions to be observed in elections of union officers, and definition of fiduciary obligations of union officers.

Labor relations - A general term used in connection with any or all matters of mutual concern to employers and employees. Sometimes given a more limited meaning to indicate the kind of recognition in effect between an employer and union.

Labor relations board - State or federal agencies which primarily handle labor relations, including *unfair labor practices*, and representation elections.

Landrum-Griffin Act, see *Labor-Management Reporting and Disclosure Act.*

Last offer, best offer arbitration (LOBO) - A method of interest arbitration in which each party submits a "last best offer" to the arbitrator, who chooses one of these offers as his final decision. He is not allowed to make a compromise between the two offers. The intent of this method is to increase the risk to the parties if they do not settle by themselves and to encourage negotiated agreements. Also called *final offer arbitration.*

Layoff - Eliminating faculty members because of institutional *financial exigency*, reallocation of resources, reorganization, or curtailment of programs. Laid-off employees usually retain seniority rights.

Leave of absence - Authorized time off from a job without pay but with the right to reinstatement without loss of seniority.

Legally required benefits - Employee-benefit programs to which employers must contribute, or insurance that they must purchase according to law, e.g., social security.

Local union - The local chapter or affiliate of a national or international labor organization.

Lockout - Closing down a business or university as a form of economic pressure upon employees to enforce acceptance of employer's terms. "No lockout" guarantee commits administration not to close the doors to unit members as a weapon in mid-contract labor disputes.

Long-term contract - Generally, a multi-year collective bargaining agreement with a duration of two or more years, as distinguished from a one-year agreement.

Maintenance of benefits - Unless modified in the negotiations process, all benefits remain unchanged in the successor agreement.

Maintenance of membership - Union security agreement requiring that employees who are members of a union on specified date, or thereafter become members, remain members for the duration of the contract as a condition of employment.

Make whole - The recourse available to individual who has been discriminated against by an employer through an illegal act, e.g., reinstatement to job with full back pay and benefits.

Management prerogatives - Rights that employers feel are exclusively their own and hence not subject to collective bargaining and negotiations. Often include the right to determine the services necessary to maintain efficiency and order, and to hire and direct the work force.

Management-rights clause - A contract clause that expressly reserves for management certain rights and usually specifies that the exercise of those rights shall not be subject to the grievance procedure or arbitration. This subject is troublesome in faculty bargaining because the meaning of "management rights" without further elaboration is often ambiguous. Added protection for management rights is sought through the use of a *zipper clause*. See also *Reserved rights*.

Managerial-supervisory personnel, see *Supervisor*.

Mandatory subjects of bargaining - Primarily economic subjects that must be negotiated if either party desires. See also *permissive subjects of bargaining* and *scope of bargaining*.

Master contract - A single collective bargaining contract that sets forth salary, working conditions, etc., for all employees in the bargaining unit.

Med-Arb - An impasse procedure which operates as a combination of mediation and arbitration. In this process the neutral acts as a mediator on as many issues as possible but has the authority to act as an arbitrator on issues left unsettled. Whatever is settled by mediation becomes part of the arbitrator's decision and is written up as a decision.

Mediation - A method of resolving an *impasse* in negotiations in which a third party, acceptable to both sides, assists employer and union in coming to an agreement. Unlike arbitrators, mediators have no power to bind the parties but can only make suggestions.

Meet and confer - A right granted by some state public employment laws, limiting the duty to bargain. Employees may confer as a group with management to discuss compensation, working conditions, etc., but the public employer is not required to agree to a contract. See also *enabling legislation*.

Merit increases - Salary increases that are based primarily upon considerations of individual performance.

Minimum wage - Lowest wage rate allowed by either federal or state law.

Minority union - A union which does not have exclusive bargaining rights because it has not been able to win the support of majority of the employees in a particular unit. Maintains its group identity and may in fact be recognized by the employer as the representative of a minority of workers.

Model agreement - A collective bargaining agreement sometimes recommended by an employee organization to its locals to serve as a standard agreement for a certain geographic area or industry.

Modified union shop - An agreement between an employer and a union requiring all present members to retain their membership and all new employees to become members, but does not require employees who were not members at the time the agreement was signed to join the union.

Most favored nation clause - Reopener clause in collective bargaining agreement that mandates negotiations if another unit obtains benefit denied to first. Parity type arrangement.

Multi-unit bargaining - Collective bargaining between a union which represents many bargaining units and an employer or group of employers.

National Education Association (NEA) - The largest union of faculty and public school teachers. It considers itself a professional association as well as a collective bargaining agent.

National Labor Relations Act (Wagner Act) - Federal law passed in 1935 which guaranteed workers the right to organize and join unions and to bargain collectively.

National Labor Relations Board (NLRB) - Created by the National Labor Relations Act to oversee labor relations.

National union - A union having broad regional coverage with numerous affiliated locals.

Negotiating committee - Committee of a union or an employer selected to negotiate a collective bargaining contract.

Negotiating ranges - The minimum and maximum range set by each of the parties, within which they are willing to reach a settlement on any one particular issue and beyond which it is more desirable to strike.

Negotiation - The process by which representatives of labor and management bargain to set conditions of wages, hours, benefits, working conditions and the machinery for handling grievances.

Neutrals - General term covering mediators, *fact-finders*, arbitrators, and other individuals who might assist the parties in their bargaining or contract administration efforts.

No-agent vote - An option available in collective bargaining elections that indicates a desire not to be represented by a bargaining *agent*.

No-raiding agreement - *Jurisdictional agreements* between national or international unions in which they agree not to pressure or entice workers to leave a union which has an established bargaining relationship with the employees in order to join another.

No-strike clause (and no-lockout clause) - Provision in a collective bargaining agreement in which employee organization agrees not to *strike* and employer agrees not to *lock-out* employees for the duration of the contract. See also *Strikes*.

Non-binding arbitration - Advisory arbitration in which neither employees nor management are obliged to abide by the decisions of a third party called in to mediate a labor dispute. See also *Arbitration, Fact-finding, Mediation*.

Non-reappointment - A decision not to renew the contract of an untenured or probationary faculty member. Non-reappointment usually involves a denial of tenure and takes effect at the end of the teacher's contract; differs from dismissal, which is immediate.

Non-teaching professional - Faculty who do not teach but who hold professional positions in a college or university. Examples include librarians and admissions counselors.

Normal attrition - Refers to any reduction in departmental personnel due to resignation, retirement, transfer or death.

Norris-LaGuardia Act, see *Anti-Injunction Law*.

Occupational Safety and Health Act (OSHA) - Federal legislation prescribing standards and enforcement procedures pertaining to health and safety.

Open-end agreement - A collective bargaining agreement which has no fixed termination date and is in effect indefinitely, subject to a specified number of days' notice by either party that it considers the agreement at an end.

Open shop - Opposite of closed or union shop; employees are not required to join or pay fees to a union.

Overload - Teaching or administrative responsibilities in addition to regular assigned load. Overload classes often assigned by seniority bid system. See also *Workload*.

P & B Committees - Personnel and Budget Committees operate on departmental, school and college levels and are responsible for such areas as appointment, reappointment, tenure, promotion and budget.

Package increase - A combination of benefits including wage increases.

Partial strike - A work stoppage by key employees in an operation in order to put economic pressure on the employer. See also *Strike*.

Past practice clause - A clause in a contract stating that previous practices of the employer will continue except as modified by the contract. In higher education, such a clause is commonly used to continue faculty participation in campus governance. Such a clause is the opposite of a *zipper clause*.

Permanent arbitrator - An *arbitrator* who is appointed under the terms of a collective bargaining agreement for a specified time period to hear all grievance arbitrations during that time.

Permissive subjects of bargaining - Subjects that are not *mandatory*, but on which the parties may bargain if both sides wish to do so, for example, issues of *governance*. It is illegal to insist on such bargaining if the other side refuses.

Picketing - Public demonstrations of the existence of a labor dispute with the employer.

Portable pensions - Pension plans which increase the mobility of employees by allowing them to transfer earned pension credits from one employer to another.

Preferential hiring - Agreed-upon arrangement whereby the employer gives preference in hiring to union members, to applicants with previous training and experience, or by order of the NLRB to employees found to be discriminatorily discharged.

Preferential shop - An agreement between an employer and union whereby union members are afforded preference over non-members in some aspect of employment.

Probationary faculty - Faculty members who are awaiting *tenure*.

Professional employee - As defined by the National Labor Relations Act: Any employee whose work is predominantly intellectual and varied in character, involves the consistent exercise of discretion and judgment, and requires knowledge of an advanced nature in the field of physical, biological, or social science, or in the field of learning. (The work is usually of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time.) Employees qualifying as "professional" under Sec. 2 (12) of the Taft-Hartley Act may not be included in a unit containing non-professional employees unless the professional employees so elect.

Professional leave - Leave, with or without pay, granted for reasons related to professional development. Includes study, research, travel, political office.

Professional sanctions - Techniques to bring pressure upon an employer; developed by faculty associations as alternatives to strike sanctions. They include the following: publicity directed at unsatisfactory working conditions; recommendations that members of the profession refuse to accept employment with the employer; censure, suspension, or expulsion of members who take jobs with the employer; organized campaigns to arouse public opinion and political action to force change.

Progression wages - Graduated incremental wages within specific limits for each job, based on length of service or merit ratings in contrast to increased wages resulting from promotions to higher jobs.

Public Employment Relations Board (PERB) - State agency having jurisdiction over public sector labor relations. Also called Public Employment Relations Commissions (PERC), ERB, SLRB, ERC.

Raiding - An organization's attempt to enroll members of another organization or employees already covered by an agreement negotiated by another organization, with the intent to usurp the latter's bargaining relationship.

Rank and file - Members of a union other than the officers.

Rank differential - Structural distinctions made between academic ranks, usually for purpose of salary, seniority and promotion.

Ratification - Formal approval of a newly negotiated agreement by vote of the organization members affected. Federal Act imposes no obligations regarding manner of ratification, however, in higher education ratification procedure is normally specified in bargaining agent's constitution and by-laws.

Recognition - The acceptance by an employer of an employee organization as the majority representative of employees in an appropriate unit. Recognition is a major step in the establishment of a collective bargaining relationship and usually follows an election in which the majority of employees have selected an organization to represent them. Under certain conditions, employers may also voluntarily recognize an organization without an election or official certification.

Refusal to bargain - Findings made by the administrative agency indicating that either the employer or the union has failed to bargain "in good faith" according to the requirements of the statute.

Reinstatement - Return to employment of persons unlawfully discharged. Reinstatement and the award of back pay lost during the period of discharge are often joined together to compensate employee completely.

Released time - Time granted from classroom activity to allow faculty team time to devote to preparation for bargaining, attendance at bargaining sessions, and other matters directly or indirectly related to bargaining. Amount of released time depends on *teaching load,* number of faculty negotiators, contract negotiation vs. contract administration, and whether released time is financed by the institutions.

Renewable contracts - A tenure alternative whereby faculty member is given an employment contract for a specified number of years, usually 3-5 year contracts that may be renewed.

Renewal clause - The section of a collective bargaining agreement which provides for the automatic extension of the agreement, usually on a year-to year basis.

Re-opening clause - A provision in a collective bargaining agreement stating the time or the circumstances under which negotiations can be requested prior to the expiration of the contract. Re-openings are usually restricted to specific wage issues and not used for the contract as a whole.

Reserved rights (Residual rights) - Management rights theory which states that those areas not bargained for are reserved for management. See also *Management rights.*

Retirement, Mandatory - Statutory or contractual requirement placing an age limit beyond which full time employment may not continue.

Retrenchment - The layoff of academic personnel or the curtailment of academic programs due to the loss of enrollment or *financial exigency.*

Retroactive pay - When normal annual faculty salary increases may have been deferred, between bargaining and ratification of contract for instance, recovery of lost money is referred to as retroactive pay.

Right-to-bargain - The collective bargaining rights of a labor organization as provided for by federal and state law. It obtains these rights when it has been recognized and certified as the collective bargaining agent for employees in the *bargaining unit*. The right to bargain is retained as long as it is supported by a majority of the unit.

Right-to-organize - The right to be free from interference or retaliation of any kind by the employer; one of the basic rights given to employees under collective bargaining legislation.

Right-to-work laws - State laws which make it illegal for a collective agreement to contain union shop, maintenance of membership, preferential hiring, or any other clauses calling for compulsory union membership. State legislatures were authorized to pass such laws by the Taft-Hartley Act of 1947.

Ripple effect - The impact of a negotiated wage increase or other economic benefit upon the expectations of other employees who are not covered by that collective bargaining agreement but who work under the same employer.

Run-off election - Second election directed by a labor board when the first election failed to produce a majority vote for any one choice presented.

Sabbatical leave - Paid leave of absence which may be granted to a faculty member after a period of service, usually seven years.

Salary schedule - Structural delineation of salaries, increments, degree differentials, longevity and economic compensation criteria.

Savings clause - Generally a provision included in collective bargaining agreement which stipulates that should any part or provision of the agreement be declared illegal, the remainder of the agreement will remain valid. Also called separability clause.

Scope of bargaining - A term used to describe the subjects that are deemed to be bargainable, usually summarized in relevant legislation as "wages, hours, and other terms and conditions of employment." In higher education, a major distinction is made between *mandatory* and *permissive* subjects.

Secondary strike - A strike against an employer who uses or sells materials from a struck plant; differs from a *sympathy strike* in that there is a business connection between the employers involved in the initial and the secondary strikes.

Senate, Faculty - *Governance* structure whereby faculty deliberate and make recommendations to the president and/or trustees over matters of academic policy, personnel policies, budget and related matters. Also called University Senate when administrators and students are included along with teaching faculty.

Seniority - Length of service in a college, often defined as departmental and/or university-wide.

Seniority - Absolute or Qualified - Provision in collective bargaining agreement which modifies seniority from one with no limits (absolute) to one where seniority "shall be a factor where all other things are equal" or where seniority "shall be considered where the applicant is qualified."

Separability clause, see *Savings clause*.

Settlement agreement - Terms agreed upon in the settlement of charges before the NLRB without a formal hearing, decision and order. To be binding, such agreements must have the consent of the NLRB.

Severance pay - A lump sum paid to a worker who has been permanently separated from the job due to reduction of work force, the elimination of certain job classifications, or any reason for which the worker is not responsible.

Showing of interest - The support a union must show among employees in bargaining unit before NLRB will process union's election petition. The Board requires a union seeking a representation election to make a showing of interest among 30 percent of the employees in the bargaining unit.

Standard agreement - A collective agreement prepared by the national union for use by its locals. The purpose of a standard agreement is to relieve the locals of the task of drafting their own agreements while promoting the standardization of working conditions throughout the industry.

Step system increase - Mechanism for determining future salary increases. Base salary is fixed for the first year in each rank, with a specified increase for each subsequent year in that rank. An automatic increment for promotion in rank can be built into system.

Strike - Concerted cessation of work as a form of economic pressure by employees, usually organized, to enforce acceptance of their terms. See also *Illegal Strike, Secondary Strike, Sympathy Strike, Wildcat Strike.*

Strike notice - Any type of notice that must be filed with a state or federal agency stating that negotiations have come to an impasse and a strike is pending.

Strike vote - Balloting or canvass on question of calling a strike.

Student employment - An issue in collective bargaining involving graduate students, for the most part, who may be engaged as teaching assistants and research assistants. They may or may not be included in the bargaining unit, and may or may not have rights under the collective agreement.

Subcontracting - Process whereby work normally assigned to or claimed by the bargaining unit is bid to outside firms or employers.

Submission - A submission, sometimes called a "stipulation" or an "agreement to arbitrate" is used where there is no previous agreement to arbitrate. Signed by both parties, it describes an existing dispute and often also names the arbitrator.

Sunshine bargaining, see *Goldfish bowl bargaining*.

Supervisor - As defined by the National Labor Relations Act: Any individual having authority in the interest of the employer to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, to adjust their grievances or effectively recommend such action. Under most labor laws, supervisors may not be included in a bargaining unit with employees they supervise. In the *Yeshiva University* case, the Supreme Court held that faculty were supervisory personnel and therefore not entitled to bargaining rights under the NLRA, a decision that directly affects faculty in the private sector.

"Sweetheart" contract - A collective bargaining agreement reached where one party has "sold out" to the other for reasons not evident at the bargaining table. Often associated with company-run union.

Sympathy strike - A strike of workers who are not directly concerned with the matter in dispute but have participated in order to demonstrate worker solidarity and thus broaden the group pressure upon the employer against whom there is a strike for a specific cause.

"Tandem" wage increase - An increase automatically given a group of employees as the result of an increase negotiated with another group.

Taylor Law - The popular name of New York State's public employment collective bargaining statute, enacted in 1967.

Teaching load, see *Workload*.

Temporary employee - One who is employed for a short period of time and who, therefore, does not have seniority rights, tenure, or other privileges incident to permanent status.

Tenure - Long-term job security and salary rights given to a faculty member upon completion of a probationary period. Tenure may be granted at any time, though usually a specified period is indicated--e.g., three to six years--in which there must have been continuous service. Tenure protects from dismissal for all but gross violations of law, ethics or academic standards of behavior, but is no protection in some situations of *retrenchment* and *financial exigency*.

Tenure, Cyclical - An alternative form of tenure in which individuals are granted tenure under a multi-year arrangement during which time said individual can only be removed for cause.

Tenure, Early - Provision that allows applicant to apply for tenure prior to the statutory or contractual probationary time period.

Tenure, Instant - A term used to describe contract provisions by which a faculty member, from the moment of appointment, is protected from dismissal. Also often associated with senior administrative appointments.

Tenure portability - Provision allowing tenure to be transferred from one department, campus, school, college, university to another.

Tenured-in - A situation in which the high number of tenured faculty members prevents the appointment of new teachers.

Transfer - Refers to permanent reassignment from one department to another within the university in accord with the job description and individual's qualifications.

Trilogy (Steelworkers) Cases - 1) Steelworkers vs. Warrior and Gulf Navigation Co., 363 U.S. 593, (1959).
2) Steelworkers vs. American Mfg. Co., 363 U.S. 564, (1959).
3) Steelworkers vs. Enterprise Wheel & Car Corp., 363 U.S. 574, (1959).
Series of three U.S.S.C. decisions involving the issue of the scope of arbitration. Held in *Warrior and Gulf Navigation* a clause is arbitrable unless the collective bargaining agreement specifically excludes it from arbitration. In *American Mfg. Co.*, the court ruled that determinations as to grievances being frivolous and baseless were subjects properly before the arbitrator and not the courts. In *Enterprise Wheel & Car Corp.*, the court held that it was not the function of courts to determine if arbitration awards were founded on correct contractual interpretation and that only arbitrators could properly make that decision.

Trustees - Governing board of college or university, often appointed by governor or chief executive of political subdivision in case of public sector and by the corporation in private sector.

Tuition reimbursement - Plan providing reimbursement to faculty members for course work taken in conjunction with and related to teaching responsibility. May be for course taken at employee's institution in form of tuition waiver or an outside one. Also refers to plan whereby coverage is afforded to authorized dependents.

Umpire - A neutral outside person employed jointly by the union and the employer usually for a definite period of time, to whom final decision disputes over the interpretation or application of provisions of the agreement are referred. Although *arbitrator, impartial chairman,* referee, and umpire are sometimes used indiscriminately, the latter three are more commonly applied when such persons serve in a permanent capacity as distinguished from an arbitrator who is appointed to settle a particular dispute.

Unauthorized strike - A strike by employees contrary to the advice or without the consent of their union,

Unfair employment practice - Discrimination in employment based on race, color, religion, sex, national origin, forbidden by federal and some state laws.

Unfair labor practice - Any action by the employer or employee organization that interferes with the exercising of the right to engage in organizational efforts and collective bargaining - a practice forbidden by the National Labor Relations Act and several state labor relations acts.

Union dues - Monthly sums paid by union members to their local unions. The amount of the dues is sometimes set by the international union, but more often by the local. See also *Dues checkoff*.

Union security clauses - Provisions in a collective bargaining agreement designed to protect the status of the employee organization. Some devices are *agency, closed, and union shops*, and *maintenance-of-membership* provisions.

Union shop - Arrangement with a union that allows employer to hire any employee, union or non-union, but the new employee must join the union within a specified time and remain a member in good standing.

Union steward - A union representative usually elected by the employees to help them with grievances and to convey information to union officials or administrators. The union or "shop" steward continues to work for the employer while handling union duties.

Unit determination - The determination of which individuals are to be represented by the faculty bargaining agent. Important issues in higher education are the inclusion in the faculty bargaining unit of non-teaching professionals, part-time faculty, and supervisory and managerial personnel; a further issue is the inclusion of multi-campus units and professional schools.

Up-or-out rule - A practice used by most universities and colleges under which faculty members denied tenure after a specified period are automatically denied reappointment. See *non-reappointment* and *probationary faculty*.

Vesting rights (vested rights) - Applicable to many pension or retirement plans. Refers to the pension rights which permit employees to terminate employment before attaining retirement age, but without forfeiting accrued pension financed through employer contributions.

Visiting professorship - Program providing for limited number of visiting or exchange professorships between institutions. Questions such as unit inclusion, economic compensation and terms and conditions of employment are a matter for negotiations.

Wage reopener - A clause in the contract allowing re-opening of negotiations on wages after a certain time, or dependent on certain conditions, even though the contract has not terminated.

Wagner Act, see National Labor Relations Act.

Walkout - Often a synonym for a strike; sometimes refers to a *wildcat strike.*

Wildcat strike - A work stoppage, usually spontaneous, by a group of organized employees without the authorization or approval of the employee organization.

Work jurisdiction - Right claimed by union under its charter to have its members and no others engaged in certain work. See *Jurisdictional dispute.*

Workload - Determination of faculty "productivity" is usually tied to maximum teaching load (classroom hours, class size, faculty-student ratio) plus additional standards relating to faculty office hours, research, service to academic community.

Yeshiva Decision - Ruling by the United States Supreme Court (444 U.S. 672 (1980)) that faculty share in the management of the university and are thereby excluded from coverage of the National Labor Relations Act. As of this writing, over forty "Yeshiva like cases" have been filed with the NLRB by institutions claiming that their faculty possess indicia of managerial authority and therefore, are not entitled to bargain under the NLRA.

Zipper clause - A contract provision that seeks to close all employment terms for the duration of the agreement by stating that the written document is "complete in itself" and "sets forth all terms and conditions" agreed upon by the parties. This has the opposite effect of a *past - practices clause.*

NATIONAL CENTER FOR THE STUDY OF COLLECTIVE BARGAINING IN HIGHER EDUCATION AND THE PROFESSIONS

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